**THE HON'BLE MR JUSTICE V.V.S.RAO**

WRIT PETITION No.23251 of 2006

**13.11.2006**

Between:

Tazamul Hussain Razvi, S/o.late S.A.Razvi

... Petitioner

AND

The District Registrar, Ranga Reddy District
And others

... Respondents

**THE HON'BLE MR JUSTICE V.V.S.RAO**

WRIT PETITION No.23251 of 2006

ORDER:

The petitioner is statedly owner of plot No.139 admeasuring 330.67 Sq.yards in survey No.17 of Mansurabad village (earstwhile Hyderabad East Taluk) in Ranga Reddy District. He sold the land to one Ch.V.R.R. Varaprasad for a valid consideration. The sale deed executed by him in favour of the vendee was presented before the registering authority – the second respondent herein; which was kept pending for registration as P.No.236/2006. Aggrieved by the action of the second respondent in not registering and releasing the sale deed, the present writ petition is filed.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned action cannot be sustained.

Following the judgment of the Division Bench, this writ petition is disposed of. As and when the document is presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons. If the petitioner is aggrieved by the order of the Registering Authority, it shall be open to him to file appeal under Section 72 of the Act before the District Registrar, the first respondent herein. If the District Registrar i.e., the Appellate Authority declines to give direction to the Registering Authority, the

aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

November 13, 2006. (**V.V.S.RAO, J**)

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456